DOCKET NO. D-1988-051 CP-2

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

Bath Borough Authority
Wastewater Treatment Plant
Bath Borough, Northampton County, Pennsylvania

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Barry Isett & Associates, Inc. on behalf of the Bath Borough Authority (BBA) on June 30, 2009 (Application), for review of a new wastewater treatment plant (WWTP) to replace the existing facility. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0020206 for the existing discharge on August 13, 2007, effective September 1, 2007. Renewal of the NPDES Permit is expected shortly after approval of this docket. The PADEP issued an internal review and recommendation (IR&R) of approval for the construction related to this project on October 11, 2011. The PADEP is withholding final issuance of Water Quality Management (WQM) Permit No. 4811404 until the project is approved by the Commission.

The Application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Lehigh Valley Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on March 7, 2012.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of the existing 1.02 million gallons per day (mgd) BBA WWTP and to approve the replacement of that facility with a new 2.0 mgd WWTP constructed on the same parcel, adjacent to the existing WWTP. The PADEP and DRBC have based current and future effluent limits upon loadings associated with a 0.51 mgd discharge.

2. **Location**. The existing and proposed WWTPs are/will be located in the drainage area to the Lower Delaware Special Protection Waters (SPW) area. Treated effluent from the existing BBA WWTP will continue to discharge to Monocacy Creek at River Mile 183.66 – 11.5 – 13.2 (Delaware River – Lehigh River – Monocacy Creek) via Outfall No. 001, in Bath Borough, Northampton County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 43' 21"	75° 23' 42"

The docket holder is proposing to construct a new outfall as part of this project that will move the discharge point several feet downstream, however the discharge will be to the same stream. After construction of the outfall is finalized, the docket holder is required to perform an as-built of the outfall and inform the Commission of the final latitudinal and longitudinal coordinates (See DECISION Condition II.k.).

3. **Area Served**. The docket holder's existing/proposed WWTP will continue to serve Bath Borough and portions of East Allen Township and Upper Nazareth Township, all located in Northampton County, Pennsylvania. For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical features**.

a. **Design criteria**. The docket holder currently operates a 1.02 mgd activated sludge WWTP. The docket holder proposes to replace the existing activated sludge WWTP with a Purestream Biologically Engineered Single Sludge Treatment (BESST) system whose hydraulic design capacity is 2.0 mgd. The PADEP and DRBC have based current and future effluent limits upon loadings associated with a 0.51 mgd discharge. The only piece of equipment that will be used at the new WWTP that is currently in use at the existing WWTP is the belt press.

The docket holder is also constructing a new garage, as well as a control building with a more spacious office and laboratory facilities with restrooms and change rooms.

b. **Facilities**. The existing BBA WWTP consists of a comminutor, a pump station, an equalization tank, three (3) aeration tanks, three (3) settling tanks, two (2) aerobic digestors, a belt press, and a chlorine contact tank.

The proposed BBA WWTP will consist of a new headworks building [comprising of bar screen and grit removal chamber], an equalization tank, a four (4) train BESST system [comprising of six (6) concrete treatment tanks (two (2) anoxic zones and four (4) aeration zones)], a post aeration tank, three (3) aerobic digestors, a belt press, and two (2) ultraviolet (UV) disinfection units.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available emergency power. BBA's existing WWTP has a

generator available for emergency power supply and the proposed facility will as well (See DECISION Condition II.t.). (SPW)

The docket holder's wastewater treatment facility is not/will not be staffed 24 hours per day, and shall have a remote alarm system that continuously monitors plant operations. The docket holder is installing a SCADA system at the new WWTP to satisfy the remote alarm system requirement (See DECISION Condition II.t.). (SPW)

The docket holder's existing/new wastewater treatment facility has not prepared and implemented an emergency management plan (EMP) in accordance with Commission requirements. The docket holder is required as part of this docket approval to prepare and implement an EMP within 6 months of approval of this docket (See DECISION Condition II.u.). (SPW)

The docket holder has satisfactorily proved the financial infeasibility of using natural wastewater treatment technologies. A report was submitted as part of the Application that concluded that costs were too significant to include natural treatment as part of the process at this time. However, the docket holder will have to evaluate other natural treatment alternatives (NTA) in the future should they request an increase to the loading capacity of the existing/proposed WWTP. (SPW)

Both the existing and proposed WWTP facilities are located outside the 100-year floodplain.

Wasted sludge will be hauled off-site by a licensed hauler for disposal at a (State-approved) facility.

c. **Water withdrawals**. The potable water supply in the project service area is supplied by the docket holder's distribution system. The Commission approved the withdrawals and distribution system via Docket No. D-2007-16 CP-1 on July 18, 2007.

d. **NPDES Permit / DRBC Docket**. NPDES Permit No. PA0020206 was approved by the PADEP on August 13, 2007 (effective September 1, 2007) and includes final effluent limitations based upon loadings for a 0.51 mgd discharge to surface waters classified by the PADEP as high quality-cold water fishery (HQ-CWF). Current average monthly discharge flows from the facility are 0.322 mgd. The PADEP is expected to issue renewal of the NPDES Permit shortly after issuance of this docket.

The average monthly effluent limits in EFFLUENT TABLE A-1 are among those listed in the NPDES Permit for the existing WWTP and meet or are more stringent than the effluent requirements of the DRBC. The average monthly effluent limits in EFFLUENT TABLE A-2 are additional parameters that the docket holder must monitor for until the new WWTP begins discharging.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit

OUTFALL 001 (Existing WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids (TSS)	30 mg/l	As required by NPDES Permit
Dissolved Oxygen	6.0 mg/l (minimum at all times)	As required by NPDES Permit
CBOD5 (5-1 to 10-31) (11-1 to 4-30)	20 mg/l (85% minimum removal*) 25 mg/l (85% minimum removal*)	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (11-1 to 4-30)	3.0 mg/l 9.0 mg/l	As required by NPDES Permit
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Phosphorus	2.0 mg/l	As required by NPDES Permit

* DRBC Requirement

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (Existing WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids	Monitor & Report *	Quarterly **
Nitrate as N (5-1 to 9-30)	Monitor & Report *	Monthly *
Total Nitrogen (5-1 to 9-30)	Monitor & Report *	Monthly *

* DRBC Requirement

** See DECISION Condition II.y.

The average monthly effluent limits in EFFLUENT TABLE A-3 are among those expected to be listed in the NPDES Renewal Permit for the new WWTP and meet or are more stringent than the effluent requirements of the DRBC. The average monthly effluent limits in EFFLUENT TABLE A-4 are additional parameters that the docket holder must monitor for and meet once the new WWTP begins discharging.

EFFLUENT TABLE A-3: DRBC Parameters Included in NPDES Permit

OUTFALL 001 (Proposed WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
TSS (1-1 to 12-31) (5-1 to 9-30)	30 mg/l 78 lbs/day ***	As required by NPDES Permit
Dissolved Oxygen	6.0 mg/l (minimum at all times)	As required by NPDES Permit
CBOD5 (5-1 to 10-31) (11-1 to 4-30)	20 mg/l (85% minimum removal*) 25 mg/l (85% minimum removal*)	As required by NPDES Permit
Ammonia Nitrogen (5-1 to 10-31) (5-1 to 9-30) (11-1 to 4-30)	3.0 mg/l 7.98 lbs/day *** 9.0 mg/l	As required by NPDES Permit
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit
Phosphorous (1-1 to 12-31) (5-1 to 9-30)	2.0 mg/l 13.74 lbs/day ***	As required by NPDES Permit

* DRBC Requirement

EFFLUENT TABLE A-4: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (Proposed WWTP)		
PARAMETER	**LIMIT**	**MONITORING**
Total Dissolved Solids	1,000 mg/l *	Quarterly **
Nitrate as N (5-1 to 9-30)	30.82 lbs/day ***	Monthly *
Total Nitrogen	51.24 lbs/day ***	Monthly *

* DRBC Requirement

** See DECISION Condition II.y.

*** The DRBC restricts loadings to the receiving stream to meet no measurable change requirements at the Lehigh River boundary control point (BCP) and not concentrations for these parameters. For your information, the corresponding concentrations associated with the loadings associated with the 0.51 mgd discharge are as follows:

PARAMETER	CONCENTRATION
Total Suspended Solids	18.33 mg/l
Ammonia Nitrogen	1.87 mg/l
Nitrate as N	7.24 mg/l
Total Nitrogen	12.04 mg/l
Phosphorous****	3.23 mg/l

***** This concentration is higher than the NPDES Permit and therefore at this time the NPDES Permit is more stringent. Should the facility expand in the future this loadings will remain unchanged.*

e. **Cost**. The overall cost of this project is estimated to be $5,000,000.

f. **Relationship to the Comprehensive Plan**. The BBA WWTP was originally added to the Comprehensive Plan as a facility that treated an average annual flow of 0.3 mgd on June 24, 1964, via Docket No. D-64-23 CP. Docket No. D-88-51 CP was approved on April 26, 1989 and included the expansion of the BBA WWTP that accompanied an average annual discharge of 0.41 mgd. Approval of that docket continued the BBA WWTP in the Comprehensive Plan. Approval of this docket will include the new 2.0 mgd BBA WWTP in the Comprehensive Plan with loadings based upon an annual average discharge flow of 0.51 mgd.

B. BACKGROUND

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations* (*WQR*) that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation. (Lower SPW)

Section 3.10.3.A.2.d.8) of the Commission's *WQR* requires that new wastewater treatment facilities and existing wastewater treatment facilities that are proposing substantial alterations and additions demonstrate "….that the project will cause no measurable change to Existing Water Quality…" Section 3.10.3.A.2.d.9) of the *WQR* states that "For wastewater

treatment facility projects subject to the no measurable change (NMC) requirement, the demonstration of NMC to existing water quality (EWQ) shall be satisfied if the applicant demonstrates that the new or incremental increase in the facility's flow or load will cause NMC at the relevant water quality control point for the parameters denoted by asterisks in Tables 1 and 2 of this section: ammonia (NH_3 N); dissolved oxygen (DO); fecal Coliform (FC); nitrate (NO_3 N) or nitrite + nitrate (NO_2 N+ NO_3 N); total nitrogen (TN) or Kjeldahl nitrogen (TKN); total phosphorous (TP); total suspended solids (TSS); and biological oxygen demand (BOD) (Table 1 only)."

Section 3.10.3A.2.a.4) of the Commission's *WQR* defines "Measurable Change" as "an actual or estimated change in a seasonal or non-seasonal mean (for SPW waters upstream of and including River Mile 209.5) or median (for SPW waters downstream of River Mile 209.5) in-stream pollutant concentration that is outside the range of the two-tailed upper and lower 95 percent confidence intervals that define existing water quality."

EWQ is defined as the actual concentration of a water constituent at an in-stream site or sites, as determined through field measurements and laboratory analysis of data collected over a time period determined by the Commission to adequately reflect the natural range of the hydraulic and climatologic factors which affect water quality. EWQ is described in terms of:

(a) an annual or seasonal mean of the available water quality data,
(b) two-tailed upper and lower 95 percent confidence limits around the mean, and
(c) the 10^{th} and 90^{th} percentiles of the data set from which the mean was calculated.

The determination of NMC is based on a comparison of historical water quality observations at the Lehigh BCP with the modeled (predicted) EWQ at the Lehigh BCP. Historical water quality observations were used by Commission staff to define EWQ for the BCP, and were derived from EPA Storet (PADEP, USGS, etc.) data for 2003-2006. The EWQ that is protected at the BCP is that which existed at the time of SPW classification in 2005 (2005-EWQ).

In 2009 Commission staff completed a water quality model, using the USEPA's QUAL2K platform, for the Lehigh River Watershed after compiling data for the eight parameters (NH_3 N, DO, FC, NO_3 N, TN, TP, and TSS) necessary to define 2005-EWQ. The 2009 Lehigh River Water Quality Model (2009 LR-WQM) was used to analyze the impact to 2005-EWQ at the BCP from this project.

The 2009 LR-WQM's domain included the watershed downstream of the Lehigh Water Gap. The 2009 LR-WQM was calibrated using in-stream water quality data sets from 2004 and 2005 and current watershed-wide WWTP discharge information available from the discharge monitoring reports (DMRs). The model assumed that all existing WWTPs will eventually discharge at their full permitted (or docketed) design flows and loads. In addition it also assumes that all new or expanding WWTPs will discharge at their proposed design flow and loads. For those contaminants for which there was no discharge information, typical effluent data was used from facilities in similar watersheds. The 2009 LR-WQM included data from sixty-one (61)

existing facilities. Where DMR values did not exist for certain parameters, Best Professional Judgment (BPJ) was used for data from similar facilities to derive typical effluent concentrations. Rate constants for nitrification, oxidation, hydrolysis, and denitrification were selected from the QUAL2K user manual recommendations and the EPA Technical Guidance for Developing TMDLs.

In order to determine compliance with the NMC requirement, Commission staff used the 2009 LR-WQM to evaluate several discharge scenarios. These scenarios included all 61 NPDES permitted dischargers with permitted flows equal to or greater than (≥) 10,000 gpd within the LR-WQM domain.

The model was used to predict in-stream concentrations of TSS, TP, NO_3 N, NH_3 N, TN and DO under different discharge scenarios for the BBA WWTP.

C. FINDINGS

The purpose of this docket is to renew approval of the existing 1.02 mgd BBA WWTP and to approve the replacement of that facility with a new 2.0 mgd WWTP constructed on the same parcel, adjacent to the existing WWTP. Current average monthly discharge flows for the existing BBA WWTP are 0.322 mgd. The PADEP and DRBC have based the current and future effluent limits found in EFFLUENT TABLEs A-1 to A-4 upon loadings associated with a 0.51 mgd discharge.

The docket holder currently operates a 1.02 mgd activated sludge WWTP. The docket holder proposes to replace the existing activated sludge WWTP with a Purestream BESST system whose hydraulic design capacity is 2.0 mgd. The only piece of equipment that will be used at the new WWTP that is currently in use at the existing WWTP is the belt press.

The docket holder is also constructing a new garage, as well as a control building with a more spacious office and laboratory facilities with restrooms and change rooms.

LR-WQM

Commission staff have updated the 2009 LR-WQM to reflect data collected since 2009 and to reflect a project expected to be constructed in the watershed in the next couple of years. Commission staff also established the grandfathered load for each existing facility (based on 2004 and 2005 discharges). As such, the 2009 LR-WQM was recalibrated with said data. The Kidspeace WWTP was incorporated as an existing facility for the purpose of establishing effluent limits for other in-house facilities such as the BBA WWTP. The updated model was then used to analyze the BBA WWTP and is referenced as the April 2011 LR-WQM.

In order to determine the net potential impacts to the 2005-EWQ at the BCP as a result of the in-house facility discharges, Commission staff first used the April 2011 LR-WQM to establish grandfathered loadings for all facilities that were in existence in 1992 (See Table C-1).

Table C-1: April 2011 LR-WQM Existing/Grandfathered Results at Lehigh BCP

Model Run	TSS (mg/l)	TP (mg/l)	Nitrate – N (mg/l)	TN (mg/l)	Ammonia – N (mg/l)	D.O. (mg/l)
Median	4.0	0.17	1.80	2.43	0.08	8.85
95% C.L. (EWQ Target)	6.0	0.24	2.0	2.74	0.09	9.2

Commission staff then analyzed each facility as it is permitted to discharge today and calculated the equal effluent concentrations (EEC) required for the non-grandfathered load of each facility to establish effluent limits for each parameter (see Table C-2).

Table C-2: EEC

	TSS (mg/l)	TP (mg/l)	Nitrate –N (mg/l)	TN (mg/l)	Ammonia – N (mg/l)
EEC	30	2.47	12.4	20.77	1.26

The BBA WWTP's grandfathered loads are located in Table C-3 below. The effluent limits located in EFFLUENT TABLEs A-3 and A-4 above are derived from the weighted average of the actual and estimated grandfathered loads (where flow is 0.253 mgd) and those located in Table C-2 (for the difference in requested flow of 0.257 mgd). As the WWTP reaches its expected flow it will need to produce effluent concentrations equivalent to or less than those indicated under EFFLUENT TABLE A-4 above (under ***) in order for the docket holder to meet its corresponding load. These effluent concentrations are required of the project WWTP to prevent a measurable change to EWQ.

Table C-3: BBA's Grandfathered Loads

	FLOW (mgd)	TSS (mg/l)	TP (mg/l)	Nitrate –N (mg/l)	TN (mg/l)	Ammonia – N (mg/l)
Load	0.253	6.47*	4.0**	2.0**	3.17*	2.5**

* Loadings as reported by docket holder

** Assumed Loading established from Model Development by Commission Staff

Other

The docket holder has satisfactorily proved the financial infeasibility of using natural wastewater treatment technologies. A report was submitted as part of the Application that concluded that costs were too significant to include natural treatment as part of the process at this time. Commission staff concur with this assessment. However, the docket holder will have to evaluate other natural treatment alternatives (NTA) in the future should they request an increase to the loading capacity of the existing/proposed WWTP in accordance with the Commission's *WQR*.

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the applicant's service area

which is also located within the drainage area of SPW. The service area of the docket holder is located within in the drainage area to the SPW. Since this project does entail additional construction and expansion of facilities/service area (i.e., there are new or increased non-point source loads associated with this approval), the NPSPCP requirement is applicable at this time. Accordingly, DECISION Conditions II.r. and II.s. have been included in this docket.

At the project site, the Monocacy Creek has an estimated seven-day low flow with a recurrence interval of ten years of 0.136 mgd (0.21 cfs). The ratio of this low flow to the average design wastewater discharge from the BBA WWTP is 0.27 to 1.

The nearest surface water intake of record for public water supply downstream of the project discharge is performed by the North Penn Water Authority, approximately 50 miles away, approved by the DRBC via Docket No. D-1992-044 CP-3 on December 7, 2005.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

D. DECISION

I. Effective on the approval date for Docket No. D-1988-051 CP-2 below:

a. The project described in Docket No. D-88-51 CP is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1988-051 CP-2; and

b. Docket No. D-88-51 CP is terminated and replaced by Docket No. D-1988-051 CP-2; and

c. The project and the appurtenant facilities described in the Section A "Physical Features" of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the *Water Quality Regulations* of the DRBC.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F until stream temperatures reach 50°F, nor by more than 2°F when stream temperatures are between 50°F and 58°F, nor shall such discharge result in stream temperatures exceeding 58°F. (Trout Waters only)

i. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

j. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

k. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (2) report the project's final construction cost as such cost is defined by the project review fee schedule in effect at the time the application was made; and (3) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project

cost exceeds the estimated cost used by the docket holder to calculate the DRBC project review fee, the statement must also include (4) the amount of any outstanding balance owed for DRBC review. The outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made. The final outfall location as-built shall accompany this Statement.

l. The new WWTP shall be completed within three years of approval of this docket or the docket holder shall demonstrate to the Executive Director that it has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval. If the new WWTP has not been completed within three years of Docket Approval and the docket holder does not submit a cost analysis demonstrating substantial funds have been expended, Commission approval of the new WWTP shall expire. If this occurs, the docket holder shall file a new application with the Commission and receive Commission approval prior to initiating construction of the new WWTP.

m. The docket holder is permitted to treat and discharge the categories of wastewaters defined in the "Area Served" section of this docket.

n. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

o. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

p. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

q. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

r. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a Non-Point Source Pollution Control Plan (NPSPCP) in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

s. Prior to the start of construction or within six (6) months of approval of this docket (by September 7, 2012), whichever occurs first, the docket holder shall submit and have approved by the Executive Director of the DRBC, a Non-Point Source Pollution Control Plan in accordance with Articles 3.10.3A.2.e.1). and 2). of the Commission's *WQR*.

t. The docket holder shall provide for emergency power and install remote alarm controls during construction of the new WWTP as planned. The docket holder must

certify in writing to the Commission that it has complied with the installation of an emergency generator and remote alarm systems by March 7, 2015 or within 30 days of completion of construction as is required in DECISION Condition II.k. above.

u. The docket holder must prepare an EMP within six (6) months of docket approval or upon completion of the new WWTP, whichever occurs first. The docket holder shall submit the EMP no later than September 7, 2012.

v. A complete application for the renewal of this docket, or a notice of intent to cease the operations (withdrawal, discharge, etc.) approved by this docket by the expiration date, must be submitted to the DRBC at least 12 months prior to the expiration date below (unless permission has been granted by the DRBC for submission at a later date), using the appropriate DRBC application form. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of this docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

w. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

x. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

y. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

BY THE COMMISSION

DATE APPROVED: March 7, 2012

EXPIRATION DATE: August 31, 2017